

UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND
Northern Division

UNITED STATES OF AMERICA,

Plaintiff,

- against -

Civil No. _____

\$122,505.17 in U.S. Currency,

Defendant.

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VERIFIED COMPLAINT FOR FORFEITURE

Plaintiff, United States of America, by its attorneys, Rod Rosenstein, United States Attorney for the District of Maryland, and Stefan D. Cassella, Assistant United States Attorney, brings this complaint and alleges as follows in accordance with Supplemental Rule G(2) of the Federal Rules of Civil Procedure:

NATURE OF THE ACTION

1. This is a civil forfeiture action against U.S. currency involved in violations of the Bank Secrecy Act, 31 U.S.C. § 5324(a), that is subject to forfeiture pursuant to 31 U.S.C. § 5317(c)(2) and 18 U.S.C. § 984.

THE DEFENDANTS IN REM

2. The defendant is \$122,505.17 in U.S. Currency (hereinafter, the "Defendant Currency").
3. The Defendant Currency was seized from an account in the name of Monica Travel & Tours Incorporated at United Bank on or about August 31, 2010.

JURISDICTION AND VENUE

4. Plaintiff brings this action *in rem* in its own right to forfeit and condemn the Defendant

Currency. This Court has jurisdiction over an action commenced by the United States under 28 U.S.C. § 1345, over an action for forfeiture under 28 U.S.C. § 1355(a), and over this particular action under 31 U.S.C. § 5317(c)(2).

5. This Court has *in rem* jurisdiction over the Defendant Currency under 28 U.S.C. 1355(b).

6. Venue is proper in this district pursuant to 28 U.S.C. §1355(b)(1), because the acts or omissions giving rise to the forfeiture occurred in this district and pursuant to 28 U.S.C. § 1395 because the property is located in this district.

BASIS FOR FORFEITURE

7. The Defendant Currency is subject to forfeiture pursuant to 31 U.S.C. § 5317(c)(2) because it was property involved in the structuring of transactions with a financial institution with the intent to evade the currency reporting requirements of 31 U.S.C. § 5313, in violation of 31 U.S.C. §§ 5324(a)(1) and (3). If necessary to do so, the Government will also rely on the fungible property provisions of 18 U.S.C. § 984.

FACTS

8. Nabil Rizkalla (hereinafer, “Rizkalla”) owns and operates Monica Travel & Tours Incorporated, which has a listed business address of 1331 Rockville Pike, Suite K, Rockville, Maryland.

9. Rizkalla maintained one United Bank account, account number 70023726, on behalf of the business in the name of Monica Travel & Tours Incorporated (hereinafter, the “United Bank Account”).

10. Between August 3, 2009 and February 25, 2010, \$741,268.00 in cash was deposited into the United Bank Account, in amounts never exceeding the \$10,000 threshold for the reporting

requirement. The deposits are listed on **Attachment A**, which is appended hereto and incorporated by reference herein.

11. On fifteen occasions, two or three currency deposits of amounts under the \$10,000 reporting requirement were made on the same day, but when aggregated totaled over the \$10,000 threshold.

12. The majority of the multiple cash deposits that occurred on the same day were conducted at the same United Bank branch.

13. The transactions set forth on **Attachment A** reveal a clear pattern of structuring cash transactions with the intent to evade the reporting requirements of 31 U.S.C. § 5313, thus establishing a violation of 31 U.S.C. §§ 5324(a)(1) and (3), and rendering the property involved in the transactions and any property traceable thereto subject to forfeiture pursuant to 31 U.S.C. § 5317(c)(2).

WHEREFORE, the plaintiff prays that all persons who reasonably appear to be potential claimants with interests in the Defendant Currency be cited to appear herein and answer the complaint; that the Defendant Currency be forfeited and condemned to the United States of America; that upon Final Decree of Forfeiture, the Secretary of the Treasury dispose of the Defendant Currency according to law; and that the plaintiff have such other and further relief as this Court deems proper and just.

Dated: December 30, 2010.

Respectfully submitted,

Rod J. Rosenstein
UNITED STATES ATTORNEY
District of Maryland

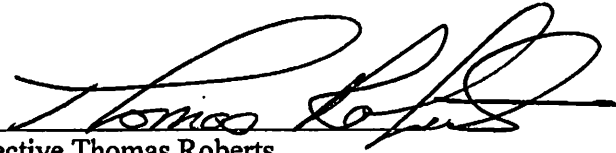
By:



Stefan D. Cassella
Assistant U.S. Attorney
Lauri Waldman, Esq.
Law Clerk
36 South Charles Street
Fourth Floor
Baltimore, MD 21201
410 209-4986

VERIFICATION

I, Thomas Roberts, declare under penalty of perjury as provided by 28 U.S.C. § 1746, that the foregoing Complaint for Forfeiture *in rem* is based on my personal examination of bank records and interviews with witnesses and that everything contained therein is true and correct to the best of my knowledge and belief.

A handwritten signature in black ink, appearing to read 'Thomas Roberts', written over a horizontal line.

Detective Thomas Roberts
Special Investigations Division
Montgomery County Police Department

ATTACHMENT A

DATE	TIME	BRANCH	DEPOSIT	DAILY TOTAL EXCESS \$10000
8/3/2009	12:25 PM	Rockville	\$2,450	
8/11/2009	10:30 AM	Rockville	\$7,600	
8/21/2009	12:12 PM	Rockville	\$6,000	
8/21/2009	12:48 PM	Rockville	\$1,052	
8/27/2009	1:23 PM	Rockville	\$9,011	
8/31/2009	10:30 AM	Rockville	\$6,000	
9/8/2009	3:21 PM	Rockville	\$8,150	
9/10/2009	11:25 AM	Rockville	\$8,015	
9/16/2009	1:14 PM	Rockville	\$6,015	
9/16/2009	3:46 PM	Rockville	\$8,021	\$14,036
9/18/2009	9:51 AM	Rockville	\$8,460	
9/22/2009	9:01 AM	Rockville	\$9,553	
9/23/2009	9:27 AM	Rockville	\$9,070	
9/23/2009	3:16 PM	Rockville	\$8,015	\$17,085
9/24/2009	9:50 AM	Rockville	\$9,311	
9/28/2009	9:56 AM	Rockville	\$6,541	
9/29/2009	12:35 PM	Rockville	\$4,380	
9/30/2009	12:12 PM	Rockville	\$8,821	
9/30/2009	2:11 PM	Rockville	\$8,120	\$16,941
10/1/2009	12:27 PM	Rockville	\$9,210	
10/1/2009	3:23 PM	Woodburn	\$4,815	\$14,025
10/2/2009	10:52 AM	Rockville	\$7,041	
10/2/2009	3:42 PM	Woodburn	\$6,075	\$13,116
10/6/2009	9:40 AM	Rockville	\$8,025	
10/7/2009	10:29 AM	Rockville	\$8,322	
10/9/2009	4:03 PM	Rockville	\$7,500	
10/13/2009	9:28 AM	Rockville	\$9,040	
10/13/2009	11:28 AM	Rockville	\$4,500	\$13,540
10/14/2009	9:17 AM	Rockville	\$9,060	
10/14/2009	2:54 PM	Rockville	\$9,310	\$18,370
10/15/2009	12:14 PM	Rockville	\$5,030	
10/15/2009	3:16 PM	Rockville	\$8,510	\$13,540
10/19/2009	10:45 AM	Rockville	\$7,220	

10/20/2009	9:34 AM	Rockville	\$9,041	
10/21/2009	9:17 AM	Rockville	\$8,040	
10/22/2009	10:28 AM	Rockville	\$7,045	
10/23/2009	9:25 AM	Rockville	\$8,650	
10/26/2009	9:40 AM	Rockville	\$9,315	
10/26/2009	3:54 PM	Rockville	\$8,560	\$17,875
10/27/2009	9:41 AM	Rockville	\$9,611	
10/27/2009	2:56 PM	Rockville	\$9,055	\$18,666
10/28/2009	9:12 AM	Rockville	\$9,511	
10/29/2009	9:32 AM	Rockville	\$7,900	
10/29/2009	1:05 PM	Rockville	\$9,070	
10/29/2009	2:49 PM	Rockville	\$8,940	\$25,910
10/30/2009	11:46 AM	Rockville	\$5,000	
11/2/2009	9:26 AM	Rockville	\$9,031	
11/2/2009	12:43 PM	Rockville	\$8,500	\$17,531
11/4/2009	9:11 AM	Rockville	\$9,500	
11/6/2009	10:39 AM	Rockville	\$8,051	
11/10/2009	3:33 PM	Rockville	\$5,062	
11/12/2009	9:31 AM	Rockville	\$9,421	
11/13/2009	9:11 AM	Rockville	\$8,920	
11/17/2009	11:16 AM	Rockville	\$9,051	
11/20/2009	8:55 AM	Rockville	\$8,650	
11/24/2009	10:39 AM	Rockville	\$8,150	
11/25/2009	9:37 AM	Rockville	\$8,681	
11/30/2009	9:11 AM	Rockville	\$8,860	
11/30/2009	11:09 AM	Rockville	\$7,500	\$16,360
12/1/2009	9:12 AM	Rockville	\$8,260	
12/2/2009	9:57 AM	Rockville	\$9,321	
12/7/2009	10:30 AM	Rockville	\$7,920	
12/9/2009	10:38 AM	Rockville	\$3,040	
12/10/2009	11:26 AM	Rockville	\$3,760	
12/15/2009	10:07 AM	Rockville	\$5,710	
12/17/2009	9:55 AM	Rockville	\$4,660	
12/21/2009	2:55 PM	Rockville	\$6,380	
12/24/2009	4:13 PM	Rockville	\$6,710	
1/4/2010	11:18 AM	Rockville	\$9,521	
1/5/2010	11:45 AM	Rockville	\$8,921	
1/6/2010	9:14 AM	Rockville	\$8,056	
1/8/2010	11:45 AM	Rockville	\$8,931	
1/12/2010	10:00 AM	Rockville	\$8,911	
1/13/2010	1:30 PM	Rockville	\$3,220	

1/14/2009	10:10 AM	Rockville	\$8,071	
1/15/2010	9:32 AM	Rockville	\$7,006	
1/19/2010	10:12 AM	Rockville	\$8,612	
1/20/2010	9:11 AM	Rockville	\$8,241	
1/21/2010	9:48 AM	Rockville	\$8,383	
1/22/2010	10:05 AM	Rockville	\$8,851	
1/26/2010	9:35 AM	Rockville	\$7,930	
1/27/2010	12:48 PM	Rockville	\$8,960	
1/28/2010	1:11 PM	Rockville	\$4,130	
1/29/2010	12:18 PM	Rockville	\$6,182	
2/1/2010	9:17 AM	Rockville	\$6,000	
2/3/2010	1:02 PM	Rockville	\$9,055	
2/4/2010	12:01 PM	Rockville	\$9,876	
2/5/2010	9:27 AM	Rockville	\$9,610	
2/16/2010	1:38 PM	Rockville	\$9,480	
2/16/2010	3:14 PM	Rockville	\$9,611	\$19,091
2/18/2010	10:00 AM	Rockville	\$9,730	
2/18/2010	2:28 PM	Rockville	\$9,720	\$19,450
2/22/2010	9:30 AM	Rockville	\$6,026	
2/23/2010	11:28 AM	Rockville	\$8,245	
2/24/2010	1:05 PM	Rockville	\$8,140	
2/25/2010	10:31 AM	Rockville	\$8,730	
TOTAL			\$741,268	\$255,536

DATE: January 3, 2011
TO: Katherine Steadley IRS
FROM: Alan J. Pfeiffenberger
Data Analyst
RE: U.S. v. \$122,505.17 U.S. CURRENCY
Civil Action No.
CATS ID: 10-IRS-001101
CASE #: 1000235326

The United States has filed a forfeiture action against **\$122,505.17 U.S. CURRENCY** . A copy of the Complaint for Forfeiture is attached.

Notice of this seizure will be published at www.forfeiture.gov pursuant to Rule G of the Supplemental Rules for Admiralty or Maritime and Asset Forfeiture Claims.

Thank you.

Attachment

Department of Homeland Security
Federal Law Enforcement Agencies
PROCESS RECEIPT AND RETURN

PLAINTIFF UNITED STATES OF AMERICA		COURT CASE NUMBER	
DEFENDANT \$122,505.317 U.S. Currency		TYPE OF PROCESS Verified Complaint in Rem	
SERVE AT	Name Of Individual, Company, Corporation, Etc. to Serve or Description of Property to Seize 10-IRS-001101 ~ 1000235326		
	Address (Street or RFD / Apt. # / City, State, and Zip Code)		
Send NOTICE OF SERVICE copy to Requester: Alan J. Pfeiffenberger, Data Analyst U.S. Attorney's Office 36 S. Charles Street, 4th floor Baltimore, Maryland 21201		Number Of Process To Be Served In This Case.	
		Number Of Parties To Be Served In This Case.	
		Check Box If Service Is On USA	
SPECIAL INSTRUCTIONS or OTHER INFORMATION TO ASSIST IN EXPEDITING SERVICE (includes Business and Alternate Addresses, Phone Numbers, and Estimated Availability times.) Arrest property. Fill in the date of arrest in this process receipt and return our copy.			
Signature of Attorney or other Originator requesting service on behalf of <input checked="" type="checkbox"/> Plaintiff ____ Alan J. Pfeiffenberger /s/ _____ <input type="checkbox"/> Defendant		Telephone No. (410) 209-4800	Date Jan 3, 2011
SIGNATURE OF PERSON ACCEPTING PROCESS:			Date
SPACE BELOW FOR USE OF TREASURY LAW ENFORCEMENT AGENCY			
I acknowledge receipt for the Total # of Process Indicated.	District of Origin No. _____	District to Serve No. _____	SIGNATURE OF AUTHORIZED TREASURY AGENCY OFFICER:
Date			
I hereby Certify and Return That I <input type="checkbox"/> PERSONALLY SERVED, <input type="checkbox"/> HAVE LEGAL EVIDENCE OF SERVICE, <input type="checkbox"/> HAVE EXECUTED AS SHOWN IN "REMARKS", the Process Described on the Individual, Company, Corporation, Etc., At The Address Shown Above or at the Address Inserted Below.			
<input type="checkbox"/> I HEREBY CERTIFY AND RETURN THAT I AM UNABLE TO LOCATE THE INDIVIDUAL, COMPANY, CORPORATION, ETC. NAMED ABOVE.			
NAME & TITLE of Individual Served If not shown above:		<input type="checkbox"/> A Person of suitable age and discretion then residing in the defendant's usual place of abode.	
ADDRESS: (Complete only if different than shown above.)		Date of Service	Time of Service <input type="checkbox"/> AM <input type="checkbox"/> PM
		Signature, Title and Treasury Agency	
REMARKS:			

TD F 90-22.48 (6/96)

Make (5) copies after form is signed. SEND ORIGINAL + 4 COPIES to TREASURY AGENCY. Retain Copy #5 for your file.